

REMARKS

Upon entry of the above amendment, the claims will be 12-15 and 17-22.

The above amendment is presented to further distinguish over the prior art.

In this regard, as pointed out in the Response of July 11, 2003, Roux employs surfactants which are not employed in the present claims in view of the "consisting essentially of" terminology.

Further, the present claims distinguish over Hayward which requires an organic base.

With regard to Touitou, the present claims do not encompass the use of an aliphatic alcohol which is required by Touitou.

With regard to Ribier, the present claims employ a homogeneous mixture of lipid assemblies and not two separate dispersions as employed in Ribier.

With regard to Mehta, as pointed out in the previous Response, it neither discloses nor suggests the use of xanthines, which are required herein.

In view of the present Response and Response of January 26, 2004, it is apparent that the present claims are unobvious from the cited references.

No further issues remaining, allowance of this application is respectfully requested.

If for any reason, the Examiner is of the opinion that the above amendment does not place this application in condition for allowance, he is respectfully requested to contact undersigned at the telephone number below in order to resolve any outstanding issues.

Respectfully submitted,

Steven LEIGH et al.

By: Matthew M. Jacob
Matthew M. Jacob
Registration No. 25,154
Attorney for Applicants

MJ/da
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
February 11, 2004